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March 10, 2020

VIA ECF

Hon. Valerie E. Caproni
United States District Judge
United States District Court for the Southern District of New York
40 Foley Square, Courtroom 443
New York, NY 10007

**Re: *Mendez v. JA Apparel Corp.*,
Civil Action No.: 1:19-cv-11807-VEC (S.D.N.Y.)**

Dear Judge Caproni:

This Firm represents Defendant JA Apparel Corp. ("Defendant") in the above-referenced matter. We have conferred with Plaintiff's counsel and write, with Plaintiff's concurrence, to jointly request a stay of this action until August 9, 2020.

By way of background, the Court stayed Defendant's time to respond to the Complaint until the date of the Initial Pretrial Conference which is April 24, 2020. If the Court does not stay this matter, Defendant will file a motion to dismiss by this date.

The parties respectfully request that this action be stayed to allow for the resolution of motions to dismiss in similar matters arising out of gift cards that do not include Braille, which are currently pending before the Court and other judges in this District and the Eastern District of New York. The stay would allow the parties to have the benefit of the Court's analysis of the issues in other matters which will inform their assessment of the pending case. It will also conserve resources of both the parties and the Court. Similar stays were recently granted on the same grounds by this Court in *Calcano v. Drybar Holdings LLC*, Case No. 1:19-cv-11389-VEC (S.D.N.Y.) (ECF No. 10), by Judge Abrams in *Delacruz v. Five Below, Inc.*, Case No. 1:19-cv-10294-RA (S.D.N.Y.) (ECF No. 16), *Matzura v. New Balance Athletics, Inc.*, Case No. 1:19-cv-11344-RA (S.D.N.Y.) (ECF No. 18), and *Mendez v. The Men's Wearhouse, Inc.*, 1:19-cv-11765-RA (S.D.N.Y.) (ECF No. 15), by Judge Woods in *Calcano v. Domino's Pizza, Inc.*, Case No. 1:19-cv-09823-GHW (S.D.N.Y.) (ECF No. 24) and *Delacruz v. Jamba Juice*, Case No. 1:19-cv-10321-GHW (S.D.N.Y.) (ECF No. 20), by Judge Failla in *Calcano v. Guess, Inc.*, Case No. 1:19-cv-10441-KPF (S.D.N.Y.) (ECF No. 18), by Judge Ramos in *Dominguez v. Marshalls of MA, Inc.*, Case No. 1:19-cv-10626 (S.D.N.Y.) (ECF No. 20), and by Judge Daniels in *Delacruz v. Converse Inc.*, Case No.



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1:19-cv-10293-GBD (S.D.N.Y.) (ECF No. 20.) The orders are enclosed for the Court's convenience.

We thank the Court for its time and attention to this matter, and for its consideration of this application.

Respectfully submitted,
SEYFARTH SHAW LLP

/s/ John W. Egan

John W. Egan

Enclosures

cc: All counsel of record (via ECF)

Application GRANTED. This case is STAYED until **August 10, 2020** to permit the resolution of motions to dismiss in similar matters currently pending before the Court and elsewhere in this district. The initial pretrial conference scheduled for April 24, 2020 is adjourned sine die. The parties are directed to submit a joint status letter to the Court no later than **July 30, 2020**. In addition, no later than five days after the issuance of any opinion in this district relevant to the claims asserted in this case, the parties are directed to submit a joint letter addressing the impact of the decision on this case and the continued need for a stay.

SO ORDERED.

A handwritten signature in blue ink, reading 'Valerie Caproni'.

3/10/2020

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE